

***United States Court of Appeals
for the Second Circuit***



APPENDIX

B
p/s
76-1042

United States Court of Appeals
FOR THE SECOND CIRCUIT

Docket No. 76-1042

UNITED STATES OF AMERICA,
Appellee,

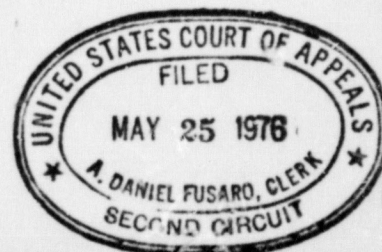
—v.—

FERNANDO PADRON, RUBEN LOPEZ,
and WALTER SINTSCHA,
Defendant-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GOVERNMENT'S APPENDIX

ROBERT B. FISKE, JR.,
*United States Attorney for the
Southern District of New York,
Attorney for the United States
of America.*



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United States Department of Justice

A

1

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
ONE U.S. COURTHOUSE PLAZA
NEW YORK, NEW YORK 10007

TEE:jp

75-3038

n-2027

May 21, 1976

William J. Gallagher, Esq.
Federal Defender Services Unit
Legal Aid Society
United States Courthouse
Foley Square
New York, New York
Attention: Phylis Skloot Bamberger

Lewis R. Friedman, Esq.
120 Broadway
New York, New York 10005

Darnell J. Blackett, Esq.
401 Broadway
New York, New York 10013

Re: United States v. Fernando Padron,
Ruben Lopez, and Walter Sintscha
76-1042

Gentlemen:

It has recently come to my attention that the notes to which Mr. Friedman made reference in his affidavit sworn to December, 1975 might not be the actual copy of the witness sheets of which the Assistant United States Attorney Mr. Batchelder made mention in his responsive memorandum filed in the District Court, but rather a second copy which was made available to Special Agent Patrick Bradley for his use in preparing for trial.

A copy of these notes which the Government expects to include in an appendix to its Brief on Appeal is enclosed for your inspection. In supplying these notes to you at this time, the Government in no way concedes the assertion that these notes represented 3500 material of the witness Bradley.

From conversations with Mr. Batchelder and Agent Bradley, I have determined that the typed portions of the



- 2 -

May 20, 1976

enclosed notes were prepared by Mr. Batchelder after he reviewed the official reports of Agent Bradley all of which were turned over as 3500 material, but before he interviewed Agent Bradley in preparation for trial. Mr. Batchelder then used these notes as an aide-memoire in interviewing Agent Bradley to whom he gave a copy at the conclusion of the interview. Mr. Batchelder did not subsequently review Agent Bradley's copy of the notes, nor did he again interview Bradley before he testified.


You will note that there are handwritten entries in the margins of the typed portions of the enclosed notes. These entries were written by Agent Bradley prior to his testimony on direct examination and are quite obviously distillations of the typewritten entries. On the final page of the notes, there are more extensive handwritten entries which relate to the arrests of Sintscha, Lopez, Padron, and Montiell. These entries, made by Agent Bradley, are distillations of the reports turned over as the following 3500 exhibits: 3538 (Caracappa report on arrest of Sintscha); 3540 (Bradley report on arrest of Lopez); 3541 (Bradley report on arrest of Padron); and 3546 (Bradley report on arrest of Montiell).

On the back side of each page, there are handwritten notes of Agent Bradley which make reference to various events he observed during the course of the trial.

As the undersigned will be arguing this appeal, please address any further inquiry in this matter to him.

Very truly yours,

ROBERT B. FISKE, JR.
United States Attorney

By: 
THOMAS E. ENGEL
Assistant United States Attorney
Tel.: (212) 791-1929

Enclosures

cc w/o enclosures:

A. Daniel Fusaro
Clerk
United States Court of Appeals
for the Second Circuit
United States Courthouse
Foley Square
New York, New York 10005

HCB, JR: par-1
d-509

Judge Milton Pollack

Room 519
SDNY

Trial begins 12/5/75 (Fri.) 3-5 P. PB testify
continued to Mon. 12-8-75 (Mon.) 10-11:45 A = PB testify

PAT BRADLEY

continued Tuesday

3502

Tuesday

11:45-12:50 P. Steve
2:00-4:40 P. Steve
4:40-5:00 P. John Murphy
10:20-10:22 A =
10:25-10:37 A =
10:59-10:41 A =
10:42-10:54

Phil Haywood
Deck Curtis
John Murphy
Murdell on 7/2
July 22 - Alton
July 10/1
2nd arrest 6/4

NAME:

OCCUPATION: SPECIAL AGENT; DRUG ENFORCEMENT ADMINISTRATION

HOW LONG: FOUR YEARS AT END OF THIS MONTH

Q. Conducting surveillance vicinity 66 West 84th Street. What did you observe at 7:15 P.M.?

Government into!!

A. 7:15 car parks OGV C.I. enters 66 West 84th Street. 7:20 Sint departs Avenue A. 8:00 Caracappa and unidentified male walking West 84th Street. C.I. towards 86th Street. 8:15 meet with Cara and C.I. test drugs back to T/F OFFICE

deal goes down in apt

[POINT OUT SINTCHA]

3508

July 22

6P-145

Q. Conducting surveillance on July 22, 1975, in vicinity of 84th Street and Columbus Avenue. What did you observe at about 6 P.M.?

A. 6:00 Sint meets with Cara 84th St. and Columbus Avenue into OGV into Klondike Bar -
6:30 Curtis into Bar
6:45 Sint and Cara out into OGV



July 23

6:00 P
E-2

Q. Conducting surveillance July 23, 1975 vicinity of 84th and Columbus. What did you observe?

A. 6:00 observed J/D/# enter Sintcha Toyota to 44th and Lexington -

[POINT OUT J.D. 1# Rubin Lopez
Show you Get (ex-#17 Id.)]

Q. What did you next observe?

A. 6:35 - Followed to Queens Midtown Tunnel back to 84th and Columbus
8:05 Toyota between Columbus and 84th St. Sint to OGV Cara talk out into trunk - paper bag - to Avenue 83rd and CPT -



140

72

212

46

48

94

as 82

as 82

as 82

A

3

Wed. 12-10-75

9:35A - 10:37A

Charge to Jury by Judge Pollack

A

4

88

(juries)
Your recollection of evidence is what counts

Law allows witnesses to be refreshed by reports
Circumstantial Evidence

Sun was shining in morning when you state court
shades were down & could not see
later person enters court w/ dripping umbrella
info you can refer it as rainy

Tom Clifford
Nov 29.
Box 7 lbs
28 Dec
Christening

Reasonable doubt:

doubt founded in reason, doubt reasonable person has after considering evidence
not caprice, whim, or speculation, not sympathy

does not mean positive certainty or beyond all possible doubt

much certainty not necessary law states: beyond reasonable doubt

Padron conspiracy charge hinges on his overt acts of phone call at Hillside Ave & walking to
led Datsun [Law requires aiding & abetting in conspiracy not casual facilitator]
Montell conspiracy charge hinges on his overt act of delivery of Ex 3.

Entrapment:

is:
govt induces or originates illegal act; law is: def. ready & willing to commit crime & only awaiting means
& compels & induces innocent person to enter into [use of informants here is perfectly valid]
to do same [regarding valid means to defense of entrapment]

whether or not
jury approves
or disapproves of the
means of obtaining
leads to narrative
violations

E A

[3514]

Q. Conducting surveillance vicinity of 84th and Columbus. What did you observe on July 24, 1975 at 2:15.

July 24
2:15 P 2:15P
2:45 - 3:30 - 112W 72
3:30 - 4:40 - Victor's

A. 2:15 - Cara into 66 West 84th Street.
2:45 Cara and Sint out into OGV -
To 72nd and Columbus into 112 West 72-
Out 3:30 - to Victor's Cafe -
4:40 Sint dropped off Columbus and 84th St.

deal goes down in OGV
✓

Q. Conducting surveillance July 25, 1975 vicinity of 84th Street and Columbus -

July 25
2:05P
3:05P move

A. 2:05 Sint into car - into 66 West 84th.
3:05 Sint into Toyota - Cara into OGV -
to 69th and Queens. Unknown male into Toyota

deal in apt. 51 DEB
✓

[POINT OUT - FERNANDO PADRON]

4:15P stop at Hillside
4:40P follow - Del to
62-15
6-7 - deal
(EY 3)

To 165th and Hillside. 4:15 Cara, Sint and Padron - talking. 4:40 Cara and Sint following Red Datsun to 162-15 (Cara-Sint - Padron-) -
DEL Barrio into apt - 6:15 Cara out into
Trunk back in - 7:10 Cara - Sint - Padron out -
Away - Montie! away from Avenue A.

Highland Av., Que

[3518]

Q. Conducting surveillance July 31, 1975, vicinity 84th and Columbus. What did you observe at 2:35?

July 31
2:35P - 3:40P
Victor's

A. 2:40 Sint and Cara park between 71st and 72nd Streets and enter Victor's.
3:40 out Sint out at 84th into 66 West

[3520]

Q. Conducting surveillance Aug. 6, 1975 in vicinity 84th and Columbus.
2:05 Sint and JD #1.

[POINT OUT J.D. 1# MET CARA - (Lopez)]

2:10 Into Neals.
3:00 Out.

Aug 6
Neals

2-3P

Wed. 12-10 75

Verdict

date of sentence:

Jan. 21, 1976

Room 905

Count I - Conspiracy against all:

Sint = G

Lopez = G

Martinez = NG

Pulmon = G = possibility of appeal

Count II = vs. Sintscha on July 10:

Sint. = G

Count III = vs. Sintscha + Lopez on July 23:

Sint. = G

Lopez. = NG

Count IV = vs. Sintscha on July 25:

Sint. = G

Count V = vs. Sintscha + Lopez on Aug 7:

Sint. = G

Lopez. = G

Count VII = vs. Sintscha on Sept. 10:

Sint. = G

Sail

Batchelder
asked immed release

Sail

Sint = 25,000

Lopez = 10,000

Pulmon = 5,000

PRB

\$2000

(ask a community)

set

by

judge

Carol Amos
EDNY

Harry Mills favor

[3522]

Q. Conducting surveillance vicinity of 66 West 84th Street. About 1:25 on August 7, 1975, what did you observe?

A. 1:25 Sint and Cara meet. Sint, conversation unk female.
1:35 Cara into trunk OGV Cara Sint into West 84th Street
2:30 Out Lopez to Queens then out of apartment.

Q. Conducting surveillance Aug. 18, 1975 vicinity 22nd and 2nd at 9:30.

[3530]

A. Sint and Lop to OGV into 321 22nd Street-
Cara opens trunk - Lopez in Sints, Toyota -
Lopez to Queens - 89-50 56th.
11:50 Lop out - Avenue - to 321 E. - 22nd 12:10-

[HEARD RUBEN ON INTERCOM]

Q. Aug. 19, surveillance 321 E. 22nd St., 9:00-
Sint meets Cara-
9:30 Sint and Carmen-Sint phone-
9:40 into apt.
10:15 Sint and Cara - Sint phone -
Lopez arrives - joined Sint - met Cara -

[3532]

Q. 8/25/75 3:00 P.M. E. 23rd and 2nd.

A. 3:00 meet Sint - Sint phone.
3:15 Coffee Shop
4:00 Out into 321 E. 22nd
5:10 Out - Caraphone leave

[3534]

Q. 8/28/75 2:00 E. 23rd and 22nd.
2:10 Sint meets Cara
2:45 Cara out Sint into 321 E. 22nd Street

[3537]

~~Surveillance 8/30/75~~

Defense:

(11 59 AM - 1205 P)

A

8

~~Montiehl~~ MONTIEHL - how often did Hayward call?
Kidea (info)

Montiehl - If I don't get home tonight (7/25/75), get in touch w/Hayward.

(Jury has sympathy for witness. She has small daughter in rear)

Thomas E Engel = reference to phone books & opening of Exs

Montiehl rests

Ropey rests

answer to phone call by Steve to TEE re: arrest of Padron's use of arrest to bring pressure
(answer not good for case; TEE not sure if use of arrest for pressure was said or not)

Steve Caracappa = calls to Metro Life to find Sint.; questions about apt. in 70s; questions about Ex #4 (coke purchased on 8/1/75)

Sint rests

Padron rests

Afternoon 12-9-75

Summation by Harry Batchelder:

DYNO-MITE

// devastating rebuttal by Harry
to questions of apologetics, tainted evidence & that of all - change
in distribution, not sale & you can give it away!!

Summation by Mark Amsterdam:

In essence: Hayward knew Montiehl was setting up deal but failed to act on it.
DEA set Montiehl adrift in order not to have to admit

(Jury was interested) mistakes on 7-25-75.

Summation by Lewis Freiman: V/C was sharp on direct but lied on cross & also
needed help from reports.

on Ex. 4; on tape of 8-6 ref. is made to Ex. 4 by # (How did he know # before buy went down?)
Counsel infers that Ex. 4 is doctored because dates on Ex. bag are not accurate

Summation by Darnell Blackett: Entrapment pure & simple
Excessive zeal of DEA people hunts people

Summation by Mr. Steinbock = Padron not member of conspiracy although
he may have abetted in purchase of Ex #3

9-9-75

- A. 6:15 Cara into 321 E. 22nd Ruben Lopez to 22nd and 2nd.
- 6:25 Sint and Cara -
- 6:45 Ruben Lopez ente. 321 E. 22nd

6:15 Ste
6:25 Sint
6:45 Lopez

Seized Ex. 12 and 13

9-11-75

- Q. Come at time on 9/11/75 arrested Padron
- Took phone book from Padron Ex. 16.

[3578]

10-17-75

- Q. Attend interview of Montrell AUSA Engel's office with Cara Oct. 17, 1975

- A. Arrived in car with woman cocaine upstairs gave to DelBarrio who handed package to Caracappa - paid \$5,000 - talked about other defendants.

→ (Ex. #6)

Arrest of W. Sint. & Lopez Sept 10, 1975

7:00 Steve arrive; rights Sint outside bldg. 321 E 22 St

7:30 Lopez arrested

7:40 arrest of Lopez

1 copy
M to [unclear]

Sept 11 Arrest of Fernando Padron 9-11-75

2:45 AM - Union City, N.J. = Steve knocked on door of
Park Ave Union City, N.J., Steve ID him
PBB arrest him Det Cox of Union City PD gives
rights in Spanish

Sept 11 Arrest of Eduardo Montrell 9-11-75

6:00 A 570 Ocean Ave Brooklyn; Det. Cox ring bell ID him
PBB arrest + rights 3231

Conspiracy against all

- 2 = Sent. July 10
- 3 = July 23 Lopez & Sent
- 4 = July 25 Sent
- 5 = Aug 7 Lopez & Sent
- 7 = Sept 10 Sent

Conspiracy
J. P. Marshall

Nov. 11, 1975

U.S. Court of Appeals

July out at 11 A - 12-10-75

8/25/75

3531

INVESTIGATION

PAGE 1 OF 2

SINTSCHA, Walter

IDENTIFIER

DG4-C3

FILE NUMBER

CT-75-0206

PROGRAM CODE

☒ ACTIVE ☐ CLOSED ☐ REQUESTED ACTION COMPLETED
☐ ACTION REQUESTED FROM:

BY S/A Patrick Bradley

AT New York, New York

DATE July 14, 1975

OTHER OFFICERS

 Inv. Edward Mattson
 Det. Steve Caracappa
 Det. John Holden
 Det. Ralph Nieves
 S/A John Brophy
 Inv. Richard Curtis
CROSS
FILE

RELATED FILES

REPORT RE:

Surveillance of Purchase of Exhibit #1

DETAILS:

1. On July 10, 1975 at approximately 6:55 p.m., Det. Caracappa and S/A Bradley met with SCT-5-0064 at the corner of 12th Street and Third Avenue, New York, N.Y. At this time SCT-5-0064's handbag was searched for contraband by S/A Bradley and witnessed by Det. Caracappa with negative results.

2. At approximately 7:10 p.m., Det. Caracappa, SCT-5-0064 and S/A Bradley stopped at 66th Street and Central Park West where S/A Bradley exited the vehicle and joined Inv. Mattson, NYSP. Det. Caracappa and SCT-5-0064 then proceeded to 66 West 84th Street, New York, N.Y.

3. At approximately 7:15 p.m., S/A Bradley observed Det. Caracappa park his vehicle in front of 66 West 84th Street where SCT-5-0064 exited the vehicle and entered 66 West 84th Street. At approximately 7:20 p.m., Det. Holden observed SCT-5-0064 re-enter the OGV.

4. At approximately 7:25 p.m., Det. Holden and S/A Brophy observed an unknown male (later identified as Walter SINTSCHA) enter the OGV. At approximately 7:30 p.m., SINTSCHA exited the OGV, entered a 19.4 blue Toyota, N.J. license #947GWZ and drove east on 84th Street followed by Det. Caracappa in the OGV. At this time Det. Caracappa advised S/A Bradley that SINTSCHA was going to get the package. Det. Caracappa then drove back to the corner of 84th Street and Columbus Avenue. Group 6 agents observed SINTSCHA make two right turns from 84th Street to Central Park West and on to 83rd Street. At this time surveillance agents allowed SINTSCHA to proceed without further surveillance.

5. At approximately 8:00 p.m., S/A Bradley and Det. Holden observed Det. Caracappa and SINTSCHA walking west on 84th Street towards the OGV. At the same time, S/A Bradley observed SCT-5-0064 walking north on Columbus Avenue towards 86th Street.

REGION

DISTRICT

OTHER Hqs.-IG Direct

SIGNATURE (Agent)

S/A Patrick Bradley

APPROVED (Name and Title)

Sgt. Vincent Bonadetta - Grp. Supv.

DATE

7/15/75

DEA Form - 6
(Aug. 1973)

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Department of Justice

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REPORT OF INVESTIGATION

DATE

(Continuation)

July 14, 1975

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FILE TITLE

IDENTIFIER

FILE NUMBER

SINTSCHA, Walter

DG4-C3

CT-75-0206

PROGRAM CODE

Det. Holden observed SINTSCHA enter the OGV while Det. Caracappa opened the trunk of the OGV. Det. Caracappa then joined SINTSCHA in the OGV. At approximately 8:10 p.m., SINTSCHA exited the OGV and entered 66 West 84th Street. SCT-5-0064 joined Det. Caracappa in the OGV and they drove to 66th Street and Central Park West where they were met by Inv. Mattson and S/A Bradley.

6. At approximately 8:15 p.m., S/A Bradley searched SCT-5-0064's pocketbook, witnessed by Det. Caracappa with negative results, for contraband. At this time Det. Caracappa and S/A Bradley field tested Exhibit #1 with positive results. Det. Caracappa and S/A Bradley then drove to the New York Drug Enforcement Task Force Office with SCT-5-0064 and Exhibit #1.

7. At approximately 8:20 p.m., S/A Brophy observed SINTSCHA exit 66 West 84th Street and enter his vehicle. SINTSCHA drove to the vicinity of 73rd Street and West End Avenue where he parked his vehicle. SINTSCHA then proceeded on foot to a telephone at the corner of 75th Street and Riverside. Det. Holden observed SINTSCHA leave the phone after a short time and enter 320 West 75th Street, New York, N.Y. At approximately 8:50 p.m., Det. Holden observed SINTSCHA in conversation with an unknown male in the hallway of 320 West 75th Street.

8. At approximately 8:55 p.m., Det. Holden observed SINTSCHA exit 320 West 75th Street and walk to his vehicle. SINTSCHA entered the vehicle and drove back to 66 West 84th Street. SINTSCHA arrived there at 9:05 p.m. and surveillance was terminated.

DESCRIPTION AND CUSTODY OF EVIDENCE:

See DEA-6 dated July 11, 1975 by Det. Caracappa for Exhibit #1 and Exhibit A.

PHYSICAL DESCRIPTIONS:

Walter SINTSCHA - see DEA-6 dated July 11, 1975 by Det. Caracappa.

VEHICLE DESCRIPTION:

947CWZ (N.J.) - N.J. Motor Vehicle records indicate a 1974 Toyota, color blue, registered to Walter SINTSCHA, 579 Grove Street, Rahway, N.J.

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REPORT OF INVESTIGATION

PAGE 1 OF 2

FILE TITLE SINTSCHA, Walter		IDENTIFIER DG4-C3	FILE NUMBER CT-75-8206
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM		PROGRAM CODE	
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE July 24, 1975		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

REPORT RE

Surveillance of Meeting on July 22, 1975 and Purchase of Exhibit #2 on July 23, 1975

DETAILS:

1. At approximately 6:00 PM on July 22, 1975, Det. Caracappa met with Walter SINTSCHA at 84th Street and Columbus Avenue, New York, N.Y. SINTSCHA entered the OGV with Det. Caracappa and they drove around the area. At approximately 6:10 PM, Det. Caracappa parked the OGV at the corner of 85th Street and Columbus Avenue, New York, N.Y. SINTSCHA and Det. Caracappa exited the OGV and entered the Klondike Bar. At approximately 6:30 PM, Inv. Curtis entered the Klondike Bar and observed SINTSCHA and Det. Caracappa seated at a booth talking. At approximately 6:45 PM, S/A Bradley observed SINTSCHA and Det. Caracappa exit the bar. They talked briefly and Det. Caracappa then entered the OGV and drove away alone.
2. At approximately 6:00 PM, July 23, 1975, surveillance was initiated in the vicinity of 84th Street and Columbus Avenue, New York, N.Y. At approximately 6:10 PM, Inv. Mattson and S/A Bradley observed an unknown male (John Doe #1) enter SINTSCHA's blue Toyota, N.J. License #947-CWZ and drive away. Inv. Mattson and S/A Bradley followed the car to the corner of 44th Street and Lexington Avenue. At approximately 6:20 PM, John Doe #1 parked the car on 44th Street and stood on the corner.
3. At approximately 6:35 PM, S/A Brophy, who had joined the surveillance, observed John Doe #1 enter a silver Volkswagen, N.Y. License #768-RJJ, with an unknown male (John Doe #2). At approximately 6:40 PM, John Doe #1 exited the Volkswagen and enter the blue Toyota. At this time both vehicles drove off. S/A Brophy followed John Doe #2 to the Willis Avenue Bridge where he discontinued surveillance. Inv. Mattson and S/A Bradley followed John Doe #1 to the Queens-Midtown Tunnel where surveillance was discontinued. Inv. Mattson and Special Agents Brophy and Bradley resumed surveillance in the vicinity of 84th Street and Columbus Avenue.

REGION	SIGNATURE <i>Patrick J. Bradley</i>
DISTRICT	S/A Patrick J. Bradley
OTHER Hqs.-IG Direct	APPROVED <i>[Signature]</i> Sgt. Vincent [Signature]
	DATE <i>8/4</i>

DEA Form - 6
(Aug 1973)

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REPORT OF INVESTIGATION
(Continuation)DATE
July 24, 1975

PAGE 2 OF 2

FILE TITLE SINTSCHA, Walter	IDENTIFIER DG4-C3 PROGRAM CODE	FILE NUMBER CT-75-0206
------------------------------------	--	---------------------------

4. At approximately 7:15 PM, S/A Brophy observed defendant SINTSCHA meet Det. Caracappa and walk to 3 Brother's Restaurant, 519 Columbus Avenue, New York, N.Y. S/A Brophy also entered the restaurant and observed Det. Caracappa and SINTSCHA seated at a table.

5. At approximately 7:55 PM, S/A Brophy observed Det. Caracappa and SINTSCHA exit the restaurant. Det. Caracappa entered the OGV and SINTSCHA entered his residence at 66 West 84th Street, New York, N.Y.

6. At approximately 8:05 PM, S/A Bradley observed the blue Toyota, N.J. License #947-CWZ parked on Columbus Avenue between 84th and 85th Street. At approximately 8:15 PM, S/A Bradley observed SINTSCHA walking towards the OGV from his residence. Det. Caracappa and SINTSCHA entered the OGV. S/A Bradley observed Det. Caracappa and SINTSCHA talking briefly inside the vehicle and then Det. Caracappa exited the vehicle and opened the trunk. Det. Caracappa reached into the trunk for a paper bag, closed the trunk and re-entered the OGV. At this point, Det. Caracappa and SINTSCHA drove to the corner of 83rd Street and Central Park West, New York, N.Y. After stopping briefly, the OGV again drove off.

7. At approximately 8:30 PM, Det. Caracappa notified the surveillance agents that the deal had been made and the package tested. Surveillance was discontinued.

CUSTODY OF EVIDENCE:

1. Exhibit #2 - see DEA-6, dated July 24, 1975, by Det. Caracappa.

PHYSICAL DESCRIPTION:

1. Walter SINTSCHA has been previously described. On July 23, 1975, SINTSCHA was wearing a dark blue shirt and dark blue pants.
2. John Doe #1 is a male Hispanic, thin build, 5'10" tall, 23-25 years old, black hair. At this time, he was wearing a brown shirt and blue jeans.
3. John Doe #2 is a male White, medium build, long brown hair, full beard, dark glasses, 25-30 years old.

VEHICLE DESCRIPTION:

1. 1971 silver Volkswagen, N.Y. License #768-RJJ, registered to Geraldine ANNUNZIATO, 300 North Broadway, Dobbs Ferry, N.Y., DOB: December 5, 1944.

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REPORT OF INVESTIGATION

PAGE 1 OF 3

FILE TITLE SINTSCHA, Walter et al		IDENTIFIER DG4-C3	FILE NUMBER CT-75-0206
		PROGRAM CODE	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS Sgt. Romandetta Inv. Mattson Inv. Curtis Det. Holden Det. Nieves Det. Caracappa		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE July 29, 1975		RELATED FILES	
REPORT RE: Surveillance of Meeting on July 24, 1975 and Purchase of Exhibit #3 on July 25, 1975			

SYNOPSIS:

On July 24, 1975, Det. Caracappa met with Walter SINTSCHA to arrange the purchase of Exhibit #3. On July 25, 1975, Det. Caracappa purchased Exhibit #3, 124.3 grams (gross weight) of cocaine from Walter SINTSCHA, @FERNANDO, @AL and @CARLOS at Queens, N.Y. for \$5,000 OAF.

DETAILS:

- At approximately 2:15 PM on July 24, 1975, surveillance was initiated in the vicinity of 84th Street and Columbus Avenue, New York, N.Y. At this time, Sgt. Romandetta observed Det. Caracappa enter 66 West 84th Street, New York, N.Y. (SINTSCHA's residence). At approximately 2:45 PM, S/A Bradley observed Det. Caracappa and SINTSCHA entering Det. Caracappa's OGV. Group 6 personnel followed the OGV to the corner of 72nd Street and Columbus Avenue where Det. Caracappa parked the OGV and exited the OGV with SINTSCHA. They entered 112 West 72nd Street where they remained until approximately 3:30 PM. At this time, they exited 112 West 72nd Street and walked to Victor's Cafe, 240 Columbus Avenue. At approximately 4:40 PM, Det. Caracappa and SINTSCHA exited Victor's Cafe and entered the OGV. Det. Caracappa drove to Columbus Avenue and 84th Street where SINTSCHA exited the OGV and surveillance was discontinued.
- At approximately 2:00 PM on July 25, 1975, surveillance was initiated in the vicinity of 84th Street and Columbus Avenue. At approximately 2:05 PM, Det. Nieves observed SINTSCHA entering Det. Caracappa's OGV. Det. Caracappa parked on Columbus Avenue between 83rd and 84th Streets and he and SINTSCHA exited the OGV and entered 66 West 84th Street. At approximately 2:15 PM, Det. Caracappa reached the surveillance personnel through base radio to say that there would be an one hour delay.
- At approximately 3:05 PM, Det. Nieves observed Det. Caracappa enter the OGV and SINTSCHA enter his blue Toyota, N.J. License #947-CM. Both cars drove away.

REGION	SIGNATURE <i>Patrick J. Bradley</i> S/A Patrick J. Bradley
DISTRICT	APPROVED (NAME AND DATE) <i>Sgt. Vincent Romandetta</i> 8/13
OTHER Hqs.-IG Direct	DATE 8/4

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REPORT OF INVESTIGATION

(Continuation)

DATE
July 29, 1975

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FILE TITLE	IDENTIFIER	FILE NUMBER
SINTSCHA, Walter et al	DG4-C3	CT-75-0206
	PROGRAM CODE	

Surveillance units followed the two cars to the corner of 69th Street and Queens Blvd., Queens, N.Y. At approximately 3:40 PM, S/A Bradley observed an unknown male (later identified as @FERNANDO) enter the Toyota with SINTSCHA. Surveillance now followed the Toyota and OGV to the corner of 165th Street and Hillside Avenue where both cars were parked.

4. At approximately 4:15 PM, S/A Bradley observed Det. Caracappa, SINTSCHA and @FERNANDO standing by their cars talking. At approximately 4:40 PM, Det. Nieves and S/A Bradley observed Det. Caracappa and SINTSCHA pull away from the curb following a red Datsun, N.Y. License #64-YJB. At approximately 4:45 PM, the Datsun pulled into the parking lot of 162-15 Highland Avenue (an apartment building) and Det. Caracappa parked nearby on the street. At this point, Det. Caracappa, SINTSCHA, @FERNANDO and the driver of the Datsun (later identified as @AL) entered 162-15 Highland Avenue, Queens, N.Y.

5. During the next two hours, Det. Caracappa reached the surveillance twice through the base radio to advise that the package was coming.

6. At approximately 6:45 PM, Det. Nieves observed Det. Caracappa exit the apartment building and open the trunk of the OGV. Det. Caracappa then returned to the apartment.

7. At approximately 7:10 PM, Det. Nieves observed Det. Caracappa, SINTSCHA and @FERNANDO exit the apartment building, enter the OGV and drive away. Surveillance followed the OGV to 164th Street and Hillside Avenue where SINTSCHA and @FERNANDO exited the OGV.

8. Shortly after the OGV drove away, @AL drove away in the Datsun. S/A Bradley followed @AL to 55-15 99th Street, Queens, N.Y. At approximately 7:25 PM, @AL parked the Datsun and entered 55-15 99th Street (an apartment building). S/A Bradley observed @AL ringing an apartment bell in the lobby. @AL then exited the apartment building, entered his Datsun and drove off. At this point, surveillance was discontinued and all Group 6 personnel returned to the NYDETF office with Exhibit #3.

CUSTODY OF EVIDENCE:

1. Exhibit #3 - see DEA-6, dated July 28, 1975, by Det. Caracappa.

PHYSICAL DESCRIPTION:

1. Walter SINTSCHA has been previously described. On July 25, 1975 he was wearing a red shirt and blue pants.

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FILE TITLE

SINTSCHA, Walter et al

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2. @FERNANDO - see DEA-6, dated July 28, 1975, by Det. Caracappa.
3. @AL - see DEA-6, dated July 28, 1975, by Det. Caracappa.
4. @CARLOS - see DEA-6, dated July 28, 1975, by Det. Caracappa.

VEHICLE DESCRIPTION:

1. 1972 red Datsun, N.Y. License #64-YJB, registered to Armando DELBARRIO, 61-45 98th Street, Rego Park, N.Y., DOB: September 17, 1950.

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		PROGRAM CODE	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS Inv. Mattson P.O. Crapanzano Det. Caracappa		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE August 5, 1975			

REPORT RE

Surveillance of Meeting Between Walter SINTSCHA and Det. Caracappa

DETAILS:

1. Reference is made to all prior reports regarding this case.
2. At approximately 2:35 PM on July 31, 1975, Det. Caracappa met Walter SINTSCHA at 84th Street and Columbus Avenue, New York, N.Y. Inv. Mattson and P.O. Crapanzano observed SINTSCHA and Det. Caracappa enter the OGV and drive south on Columbus Avenue.
3. At approximately 2:40 PM, S/A Bradley observed SINTSCHA and Det. Caracappa park between 71st and 72nd Streets on Columbus Avenue, exit the OGV and enter Victor's Cafe, 71st Street and Columbus Avenue, New York, N.Y.
4. At approximately 3:40 PM, S/A Bradley observed SINTSCHA and Det. Caracappa exit the restaurant, enter the OGV and drive back to 84th Street and Columbus Avenue where SINTSCHA exited the OGV. S/A Bradley observed SINTSCHA enter his residence at 66 West 84th Street, New York, N.Y. Surveillance was discontinued at this time.

REGION	SIGNATURE (Typed Name)	DATE
DISTRICT	<i>Patrick J. Bradley</i> S/A Patrick J. Bradley	
OTHER Hqs.-IG Direct	APPROVAL (Typed Name) Inv. Edward Mattson, Acting Grp. Supv.	8/7

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FILE TITLE SINTSCHA, Walter et al		IDENTIFIER DG4-C3	FILE NUMBER CT-75-0206
		PROGRAM CODE	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS Inv. Mattson Inv. Curtis S/A Brophy Det. Palmeri Det. Caracappa P.O. Crapanzano		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE August 12, 1975			
REPORT RE: Surveillance of Meeting Among Det. Caracappa, SINTSCHA and @JOHN			

DETAILS:

- Reference is made to the DEA-6, dated July 24, 1975, by S/A Bradley, detailing the surveillance of John Doe #1 on July 23, 1975, by Inv. Mattson and S/A Bradley. Attached is a photograph of John Doe #1, taken on July 23, 1975, by S/A Bradley.
- At approximately 2:00 PM on August 6, 1975, surveillance was initiated in the vicinity of 84th Street and Columbus Avenue, New York, N.Y. At this time, Inv. Mattson and S/A Bradley observed Det. Caracappa park his OGV in the vicinity of 66 West 84th Street, New York, N.Y.
- At approximately 2:05 PM, Inv. Mattson and S/A Bradley observed Walter SINTSCHA and an unknown male (the same John Doe #1 mentioned in paragraph #1 above, later tentatively identified as @JOHN) join Det. Caracappa by the OGV. After exchanging greetings, all three entered the OGV and drove to 73rd Street between Columbus and Amsterdam Avenues where they parked. All three exited the OGV and at approximately 2:10 PM entered O'Neal Brothers Restaurant, 269 Columbus Avenue, New York, N.Y.
- At approximately 3:00 PM, Inv. Mattson and S/A Bradley observed Det. Caracappa, SINTSCHA and @JOHN exit the restaurant and walk back to the OGV. All three entered the OGV and drove back to 66 West 84th Street where at approximately 3:10 PM, SINTSCHA and @JOHN exited the OGV. At this time, surveillance was discontinued.

PHYSICAL DESCRIPTION:

- Walter SINTSCHA - see DEA-6, dated August 6, 1975, by Det. Caracappa.
- John Doe @JOHN - see DEA-6, dated August 6, 1975, by Det. Caracappa.

REGION	SIGNATURE <i>Patrick J. Bradley</i> S/A Patrick J. Bradley	
DISTRICT	APPROVED <i>Edward Mattson</i> Inv. Edward Mattson, Acting Group Supv.	
OTHER Hqs.-IG Direct		DATE 8/13

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FILE TITLE SINTSCHA, Walter et al		IDENTIFIER DG4-C3	FILE NUMBER CI-75-0206
		PROGRAM CODE	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS Inv. Mattson Inv. Curtis S/A Brophy Det. Palmeri Det. Caracappa P.O. Crapanzano		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE August 12, 1975		RELATED FILES	
REPORT RE: Surveillance of Purchase of Exhibit #4 from Walter SINTSCHA and @JOHN (now identified as Ruben LOPEZ)			

DETAILS:

- Reference is made to all prior reports relative to this case.
- At approximately 12:30 PM on August 7, 1975, surveillance was initiated in the vicinity of 66 West 84th Street, New York, N.Y.
- At approximately 1:25 PM, Det. Palmeri and S/A Brophy observed Det. Caracappa park his OGV at the corner of 84th Street and Columbus Avenue, New York, N.Y. At this time, Det. Caracappa was joined by Walter SINTSCHA. S/A Bradley observed the two exchange greetings and walk across Columbus Avenue together. S/A Bradley then observed SINTSCHA engage in conversation with an unknown male and female. At approximately 1:35 PM, Det. Palmeri observed Det. Caracappa and SINTSCHA return to the OGV where Det. Caracappa opened the trunk. Det. Caracappa and SINTSCHA then entered 66 West 84th Street, New York, N.Y. (SINTSCHA's residence).
- At approximately 2:30 PM, S/A Bradley observed Det. Caracappa and SINTSCHA exit the apartment building and walk to the OGV. After speaking briefly, SINTSCHA returned to 66 West 84th Street and Det. Caracappa drove south on Columbus Avenue where he met Inv. Mattson and S/A Bradley at 79th Street. Det. Caracappa advised S/A Bradley that he had purchased Exhibit #4 and had paid \$3,000 OAF to @JOHN who was in the apartment with SINTSCHA. At this time, Inv. Mattson and S/A Bradley rejoined the other surveillance units in the vicinity of 66 West 84th Street, New York, N.Y.
- At approximately 2:45 PM, S/A Bradley observed the unknown male and female with @JOHN exit 66 West 84th Street and enter a 1972 gold Pontiac, N.Y. License #144-DNJ. At this time, all units joined in surveillance of the Pontiac.

REGION	SIGNATURE (Agent) <i>Patrick J. Bradley</i> S/A Patrick J. Bradley
DISTRICT	
OTHER Hqs.-IG Direct	APPROVED (Supv.) <i>Vincent Romandetta</i> Sgt. Vincent Romandetta-Grp. Supv.

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FILE TITLE SINTSCHA, Walter et al	IDENTIFIER DG4-C3	FILE NUMBER CT-75-0206
PROGRAM CODE		

6. At approximately 3:25 PM, the Pontiac parked in the vicinity of 89-50 56th Avenue, Queens, N.Y. P.O. Crapanzano followed @JOHN into the lobby of 89-50 56th Avenue where @JOHN was ringing an apartment bell. P.O. Crapanzano heard a voice from the lobby speaker ask, "Who is it?" and heard @JOHN answer "RUBEN". At this point, @JOHN entered the building and P.O. Crapanzano returned to his OGV.

7. At approximately 4:20 PM, S/A Bradley observed @JOHN exit the apartment building, enter the Pontiac with the unknown male and female and drive away. At this point, surveillance was discontinued.

CUSTODY OF EVIDENCE:

1. Exhibit #4 - See DEA-6, dated August 8, 1975, by Det. Caracappa.

PHYSICAL DESCRIPTION:

1. Walter SINTSCHA has been previously described. On August 7, 1975, he was wearing a dark blue shirt and light brown pants.
2. @JOHN, now tentatively identified as Ruben LOPEZ from Con Ed records and New York Telephone records at 66 West 84th Street with SINTSCHA's statements to Det. Caracappa that he was his roommate and also from his own statement in paragraph #6 above.
3. Unknown male, white, 6'0" tall, medium build, long brown hair, wearing dungarees when observed.
4. Unknown female, white, light brown hair, wearing dungarees when observed.

VEHICLE DESCRIPTION:

1. 1972 Gold Pontiac, 2 door, N.Y. License #144-DNJ, registered to Dartmouth Plan, Inc., One Old Country Road, Carle Place, N.Y.

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<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS Sgt. Romandetta-S/A Byrne Det. Holden -S/A Scharlatt Det. Palmeri -Sgt. Flynn Det. Caracappa -S/A Pucher P.O. Crapanzano-P.O. Feurtado		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE August 22, 1975			

REPORT RE:

Surveillance of Attempted Seizure of Exhibit #6 on August 18 and 19, 1975

SYNOPSIS:

On August 18 and 19, 1975, Det. Caracappa met with Walter SINTSCHA and Rubin LOPEZ in an attempted seizure of Exhibit #6.

DETAILS:

- Reference is made to all previous reports concerning this case.
- At approximately 9:30 PM on August 18, 1975, surveillance was initiated in the vicinity of 22nd Street and 2nd Avenue, New York, N.Y. At approximately 10:30 PM, Det. Caracappa arrived by OGV at the corner of 23rd Street and 2nd Avenue, New York, N.Y. At this time, Det. Palmeri and S/A Bradley observed Walter SINTSCHA and Rubin LOPEZ approach the OGV, briefly speak to Det. Caracappa and then enter the OGV. Det. Caracappa drove to 22nd Street where he parked in front of 321 East 22nd Street (an apartment building, later determined to be the new residence of SINTSCHA and LOPEZ). At this point, Det. Caracappa exited the OGV and opened the trunk and removed a package. Det. Caracappa then re-entered the OGV. Shortly after this, Det. Caracappa returned the package to the trunk and S/A Bradley observed LOPEZ enter SINTSCHA's blue Toyota, N.J. License #947-CWZ and drive off.
- While Sgt. Romandetta, S/A Byrne and S/A Scharlatt followed Det. Caracappa and SINTSCHA to a store on 2nd Avenue between 21st and 22nd Streets and back into 321 East 22nd Street, Det. Palmeri, P.O. Feurtado and S/A Bradley followed LOPEZ to 89-50 56th Avenue, Queens, N.Y. where he arrived at approximately 11:00 PM. S/A Bradley and P.O. Feurtado followed LOPEZ into the lobby and observed him take the elevator to the 4th floor.

REGION	SIGNATURE <i>Patrick J. Bradley</i> S/A Patrick J. Bradley
DISTRICT	
OTHER Hqs.-IG Direct	APPROVED (Name and Title) <i>Sgt. Vincent Romandetta</i> Sgt. Vincent Romandetta-Grp. Supv.
	DATE 9/8/75

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4. At approximately 11:50 PM, S/A Bradley observed LOPEZ exit 89-50 56th Avenue, re-enter the Toyota. The surveillance agents followed LOPEZ back to 321 East 22nd Street where he arrived at 12:10 AM.
5. At approximately 1:00 AM, Det. Holden observed two unknown males exit a 1975 Pacer, N.Y. License #597-QPI and wave to LOPEZ in a window of the apartment building. The two individuals entered 321 East 22nd Street. At approximately 1:30 PM, Det. Holden observed the two individuals exit the apartment building. Shortly afterwards, Det. Caracappa exited the building and met with S/A Bradley to advise him that the deal had been called off until the next night.
6. At approximately 8:45 PM on August 19, 1975, surveillance was again initiated in the vicinity of 321 East 22nd Street, New York, N.Y.
7. At approximately 9:00 PM, Det. Caracappa parked his OGV on the corner of 23rd Street and 2nd Avenue, New York, N.Y. Shortly thereafter, Walter SINTSCHA arrived and entered into conversation with Det. Caracappa. After a short time they parked and Det. Holden observed SINTSCHA enter his residence at 321 East 22nd Street at approximately 9:05 PM.
8. At approximately 9:30 PM, Det. Palmeri and S/A Bradley observed SINTSCHA with an unknown female (later identified as @CARMEN) approach the undercover officer and engage in conversation. At this time, SINTSCHA entered a phone booth on the corner of 23rd Street and 2nd Avenue. After exiting the phone booth, SINTSCHA and @CARMEN spoke briefly with the undercover officer and then returned to SINTSCHA's residence where Det. Holden observed them enter the apartment at 9:40 PM.
9. At approximately 10:15 PM, S/A Bradley observed SINTSCHA again join Det. Caracappa on the corner of 23rd and 2nd Avenue. After speaking briefly, SINTSCHA again entered the phone booth. After exiting the phone booth, SINTSCHA spoke briefly to Det. Caracappa and left Det. Caracappa. At this time, Det. Holden observed Rubin LOPEZ arrive in front of 321 East 22nd Street where he joined SINTSCHA. Both defendants then walked to the corner of 22nd Street and 2nd Avenue where S/A Bradley observed them meet Det. Caracappa. S/A Bradley observed the three individuals in conversation. At approximately 10:45 PM, Det. Caracappa left the scene and met S/A Bradley to tell him that the deal was off. At this time, surveillance was discontinued.

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10. A follow-up investigation of 89-50 56th Avenue discloses that there are 23 apartments on the 4th floor. Although it is not know which bell LOPEZ rang in the apartment house, he did ride the elevatore to the 4th floor as observed by S/A Bradley and P.O. Feurtado. Since Apartment 4M had the name LOPEZ, I. on the bell the following checks were made on the apartment and its occupant:

- (a) Con Ed lists Ismael C. LOPEZ, 89-50 56th Avenue, Elmhurst Queens, N.Y. Apartment 4M since May 15, 1974.
- (b) New York Telephone lists Ismael LOPEZ, same address, with Number 212-476-9134.
- (c) DECS, NCIC and File Checks at NYDETF and Region II are negative.

PHYSICAL DESCRIPTION:

- 1. Walter SINTSCHA has been previously described. See DEA-6, dated August 20, 1975 for clothing.
- 2. Rubin LOPEZ has been previously described. See DEA-6, dated August 20, 1975 for clothing.
- 3. @CARMEN - see DEA-6, dated August 20, 1975 for description.

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		PROGRAM CODE	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS Sgt. Romandetta Inv. Mattson Det. Palmeri Det. Caracappa		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE September 10, 1975		RELATED FILES	

REPORT RE: **Surveillance of Meet Between Walter SINTSCHA and Det. Caracappa**DETAILS:

1. Reference is made to all previous reports concerning this case.
2. At approximately 5:30 PM on September 9, 1975, surveillance was initiated in the vicinity of 321 East 22nd Street, New York, N.Y. (SINTSCHA's residence).
3. At approximately 6:15 PM, Det. Caracappa parked on 2nd Avenue near 22nd Street and walked to 321 East 22nd Street where he entered the building observed by S/A Bradley. Shortly afterwards, S/A Bradley observed Ruben LOPEZ standing in front of 321 East 22nd Street. He then proceeded west on 22nd Street towards 2nd Avenue.
4. At approximately 6:25 PM, S/A Bradley observed Walter SINTSCHA and Det. Caracappa speaking in front of 321 East 22nd Street. After speaking briefly they entered the apartment building.
5. At approximately 6:45 PM, Inv. Mattson observed Ruben LOPEZ walking on 2nd Avenue and 22nd Street and S/A Bradley observed him enter 321 East 22nd Street.
6. At 7:00 PM, S/A Bradley observed Det. Caracappa exit 321 East 22nd Street, return to his OGV and leave the area. Surveillance was discontinued at this time.

REGION	SIGNATURE (NAME) <i>Patrick J. Bradley</i> S/A Patrick J. Bradley
DISTRICT	APPROVED (NAME AND TITLE) <i>Vincent Romandetta</i> Sgt. Vincent Romandetta - Gpp. Supv.
OTHER Hqs. - IG Direct	DATE 9/10/75

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FILE TITLE

SINTSCHA, Walter et al

IDENTIFIER

DG4-C2

FILE NUMBER

CT-75-0206

PROGRAM CODE

PHYSICAL DESCRIPTION:

1. Walter SINTSCHA has been previously described. On September 9, 1975, he was wearing blue jeans and a dark blue shirt.
2. Ruben LOPEZ has been previously described. On September 9, 1975, he was wearing a dark plaid shirt and jeans.

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<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS Sgt. Romandetta Inv. Mattson Inv. Curtis Det. Nieves Det. Caracappa P.O. Crapanzano		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE September 12, 1975		RELATED FILES	

REPORT RE

Arrest of Ruben LOPEZ and the Seizure of Exhibit #7 on September 10, 1975

DETAILS:

- Reference is made to all previous reports and particularly to DEA-6, dated September 12, 1975, by Det. Caracappa, and DEA-6, dated September 12, 1975, by P.O. Crapanzano.
- Following the undercover negotiations between Det. Caracappa and Walter SINTSCHA in SINTSCHA's apartment at 321 East 22nd Street, New York, N.Y. and the subsequent arrest of SINTSCHA on 2nd Avenue near 22nd Street, New York, N.Y., preparations were made to arrest Ruben LOPEZ. Det. Caracappa informed S/A Bradley that LOPEZ was in the apartment SINTSCHA and LOPEZ share at 321 East 22nd Street when he left the apartment with SINTSCHA. At this time, Det. Caracappa asked SINTSCHA for the keys to his apartment and SINTSCHA gave them to Det. Caracappa. The arrest team also met with P.O. Crapanzano who was stationed outside the apartment of LOPEZ, and who advised them he had seen LOPEZ enter the apartment but that LOPEZ had not left the building.
- At approximately 7:40 PM, Det. Caracappa, Sgt. Romandetta, Inv. Mattson and S/A Bradley entered 321 East 22nd Street and went to the door of the apartment. Det. Caracappa knocked repeatedly at the door, but there was no answer. Loud music was heard coming from within the apartment. After waiting several minutes, Det. Caracappa knocked on the door again with no answer. At this time, Det. Caracappa used SINTSCHA's keys to open the door. Upon entering the duplex apartment, S/A Bradley secured the upper rooms while Det. Caracappa, Sgt. Romandetta and Inv. Mattson proceeded to the downstairs half of the apartment where Ruben LOPEZ was placed under arrest by Inv. Mattson. LOPEZ was advised of his Constitutional rights as per DEA-13A by Inv. Mattson, witnessed by Det. Caracappa.

REGION	SIGNATURE <i>Patrick J. Bradley</i>
DISTRICT	S/A Patrick J. Bradley
OTHER	APPROVED (Name and title) <i>Sgt. Vincent Romandetta</i> - Grp. Supv. <i>9/18/75</i>

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FILE TITLE

SINTSCHA, Walter et al

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 FILE NUMBER
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PROGRAM CODE

4. A search subsequent to the arrest of LOPEZ by Inv. Mattson produced Exhibit #7, 36.7 grams of suspected cocaine. Exhibit #7 was found in the upper left hand pocket of LOPEZ's shirt.

5. Also present in the apartment at the time of LOPEZ's arrest were Carmen CAVELLO, 66 West 84th Street, Apt. 2E, New York, N.Y. DOB: May 26, 1953, Telephone #874-5260 and Ernest Michael KULKA, 118 East 70th Street, Apt. PH, New York, N.Y., Telephone #288-6257. LOPEZ requested that Carmen CAVELLO be left in his apartment to take care of it. At this time, Det. Caracappa gave the apartment keys to CAVELLO, and she remained in the apartment when the arresting officers left with LOPEZ.

6. At approximately 8:00 PM, Ruben LOPEZ was transported to the NYDETF office for processing. After processing, LOPEZ was lodged at the Federal Detention Facilities, St. Andrews Plaza, New York, N.Y.

7. On September 11, 1975, LOPEZ appeared before U.S. Magistrate Raby at Southern District of New York. Bail was set at \$10,000, \$1,000 of which was to be posted in cash. LOPEZ was remanded upon failure to post the bail.

CUSTODY OF EVIDENCE:

1. Exhibit #7 was weighed, sealed and placed in the NYDETF vault on September 10, 1975 by S/A Bradley. It was removed on September 12, 1975 and handcarried by P.O. Crapanzano and Inv. Curtis to the Northeast Regional Laboratory.

PHYSICAL DESCRIPTION:

1. Ruben LOPEZ has been previously described and at the time of arrest was wearing a light shirt with horizontal dark stripes and dark slacks.

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REPORT OF INVESTIGATION

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FILE TITLE SINTSCHA, Walter et al		IDENTIFIER DG4-C2	FILE NUMBER CT-75-0206
		PROGRAM CODE	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICE Sgt. Romanadetta Inv. Mattson Inv. Curtis P.O. Crapanzano Det. Caracappa Det. Cox-Union City, NJ		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NY/DETF, N.Y. DATE September 12, 1975		RELATED FILES	
REPORT RE: Arrest of Fernando PADRON @FERNANDO and Seizure of Exhibit N			

DETAILS:

1. Reference is made to all previous reports in this case and particularly to DEA-6, dated July 28, 1975, by Det. Caracappa, concerning @FERNANDO.
2. Following the arrest of Walter SINTSCHA on September 10, 1975, the telephone number 201-866-8959 was found in SINTSCHA's phone book (Exhibit L) along with the notation, "FERNANDO's Father". Det. Caracappa called this number and engaged in conversation with an individual whom Det. Caracappa said was @FERNANDO. A further check of this telephone number produced 4507 Park Avenue, Union City, N.J. as the address of this number.
3. At approximately 2:00 AM on September 11, 1975, Group 6 Personnel drove to the Union City Police Department Headquarters where they met with Det. Cox of the Union City Police Department. After appraising Det. Cox and his superiors of the impending arrest, Group 6 Personnel and Det. Cox drove to 4507 Park Avenue, Union City, N.J. At approximately 2:45 AM, Det. Caracappa knocked on the door and a man opened the door and said he was Fernando PADRON. Det. Caracappa identified him as @FERNANDO and S/A Bradley placed him under arrest. Det. Cox advised PADRON of his Constitutional rights in Spanish as per DEA-13B. At this time, PADRON was transported to the NY/DETF office for processing. During processing, Det. Caracappa seized Exhibit N from PADRON. He was then transferred to the Federal Detention Facilities, St. Andrews Plaza, New York, N.Y. for safekeeping.
4. On September 11, 1975, PADRON appeared before U.S. Magistrate Raby at Southern District of New York. Bail was set at \$15,000 and PADRON was remanded upon failure to post bail.

REGION	SIGNATURE <i>Patrick J. Bradley</i>
DISTRICT	S/A Patrick J. Bradley
OTHER Hqs.-IG Direct	APPROVED (Name and Title) <i>Sgt. Vincent Romanadetta</i> Sgt. Vincent Romanadetta-Grp. Supv.
	DATE <i>9/17/75</i>

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DATE

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FILE TITLE

SINTSCHA, Walter et al

IDENTIFIER

DG4-C2

FILE NUMBER

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5. On September 12, 1975, Det. Nieves contacted S/A Bertel, I&NS to inform him of the arrest of Fernando PADRON, who is a Cuban refugee.

PHYSICAL DESCRIPTION:

1. ^{all} Fernando PADRON @FERNANDO is a male Hispanic, DOB: March 20, 1952, 5'6" tall, 140 lbs., brown hair and brown eyes. He resides at 4507 Park Avenue, Union City, N.J. At the time of arrest, PADRON was wearing a light shirt light pants and a light jacket.

CUSTODY OF EVIDENCE:

1. Exhibit N, a yellow phone book taken from Fernando PADRON at NYDETF by Det. Caracappa on September 11, 1975, and placed in an evidence envelope until it could be delivered to the Non-Drug Custodian at Region II, 555 West 57th Street, New York, N.Y.

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FILE TITLE SINTSCHA, Walter et al		IDENTIFIER DEA-C2 PROGRAM CODE	FILE NUMBER GT-75-0206
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED FROM <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS Sgt. Romandetta Inv. Mattson Inv. Curtis Det. Caracappa P.O. Crapanzano		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY S/A Patrick J. Bradley AT NYDETF, N.Y. DATE September 12, 1975			

REPORT RE: **Arrest of Edwardo MONTIELL @CARLOS**DETAILS:

1. Reference is made to all previous reports in this case and particularly to the DEA-6, dated July 28, 1975, by Det. Caracappa, concerning @CARLOS. Specific reference is made to DEA-6, (arrest of Armando DELBARRIO) dated September 12, 1975, by Det. Palmeri, Paragraph #7, in which information concerning the identity and whereabouts of @CARLOS (subsequently identified as MONTIELL) was received.
2. At approximately 5:00 AM on September 11, 1975, Group 6 Personnel arrived at 570 Ocean Avenue, Brooklyn, N.Y. Sgt. Romandetta, Inv. Mattson, Det. Caracappa and S/A Bradley entered the building and rang the superintendent's bell. A man opened the door and said he was Edwardo MONTIELL. Det. Caracappa identified him as @CARLOS and S/A Bradley placed him under arrest and advised him of his Constitutional rights as per DEA-13A.
3. MONTIELL was taken to the NYDETF office for processing. He was then lodged at the Federal Detention Headquarters, St. Andrews Plaza, New York, N.Y.
4. On September 11, 1975, MONTIELL appeared before U.S. Magistrate Raby at Southern District of New York. Bail was set at \$25,000 and MONTIELL was remanded after failure to post bail.
5. On September 12, 1975, Det. Nieves contacted S/A Bertel, IUNS, to inform him of the arrest of MONTIELL who is an alien.

REGION	SIGNATURE (Name and title) <i>Patrick J. Bradley</i> S/A Patrick J. Bradley
DISTRICT	APPROVED (Name and title) <i>Vincent Romandetta</i> Sgt. Vincent Romandetta-Grp. Supv.
OTHER Hqs.-IG Direct	DATE 9/18/75

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PHYSICAL DESCRIPTION:

1. Edwardo MONTIELL @CARLOS is a male Hispanic, born September 3, 1944 in Columbia City, Columbia, South America. He is 5'7" tall, weighs 150 pounds, having brown eyes and hair. MONTIELL resides with his wife Nidea and Child at 570 Ocean Avenue, Brooklyn, N.Y. MONTIELL is known under SS #063-46-9790. At the time of arrest, MONTIELL was wearing a light shirt, jeans and a dark suede jacket.

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FILE TITLE SINTSCHA, Walter et al		IDENTIFIER DG4-C3	FILE NUMBER CT-75-0206
		PROGRAM CODE	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION <input type="checkbox"/> ACTION REQUESTED FROM	OTHER OFFICERS S/A Bradley Det. Caracappa		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY Inv. Richard J. Curtis AT NYDETF, N.Y. DATE September 2, 1975		RELATED FILES	

REPORT RE
Surveillance of Undercover Meeting with Walter SINTSCHA and Rubin LOPEZ on August 25, 1975

DETAILS:

1. Reference is made to all prior reports relative to this case.
2. On August 25, 1975 at approximately 3:00 PM, Inv. Richard Curtis and S/A Patrick Bradley initiated a surveillance in the vicinity of East 23rd Street and 2nd Avenue, New York, N.Y.
3. At approximately 3:00 PM, Det. Caracappa, acting in an undercover capacity, was observed engaging Walter SINTSCHA in conversation at the intersection of East 23rd Street and 2nd Avenue. After a brief conversation, SINTSCHA was observed using a public pay phone at the corner of East 23rd Street and 2nd Avenue.
4. At approximately 3:15 PM, Det. Caracappa and Walter SINTSCHA crossed 2nd Avenue and entered a coffee shop located at the intersection of East 23rd Street and 2nd Avenue.
5. At approximately 4:00 PM, Det. Caracappa and SINTSCHA were observed exiting the coffee shop, walk south on 2nd Avenue to 22nd Street and enter a premises at 321 East 22nd Street.
6. At approximately 5:10 PM, Det. Caracappa and SINTSCHA were observed exiting the premises at 321 East 22nd Street and walk to a public telephone located at the intersection of East 22nd Street and 2nd Avenue. Det. Caracappa was observed using the telephone for a brief period of time, leave the phone booth and continue in conversation with SINTSCHA.

REGION	SIGNATURE <i>Richard J. Curtis</i> Inv. Richard J. Curtis
DISTRICT	APPROVED <i>V. Romandetta</i> Sgt. Vincent Romandetta-Grp. Supv.
OTHER Hqs.-IG Direct	DATE <i>9/5/75</i>

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FILE TITLE SINTSCHA, Walter et al	IDENTIFIER DG4-C3 PROGRAM CODE	FILE NUMBER CT-75-0206
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7. At approximately 5:20 PM, Det. Caracappa was observed entering the OGV and drive south on 2nd Avenue. SINTSCHA walked to the premises at 321 22nd Street and entered. At this time, the surveillance was discontinued.

PHYSICAL DESCRIPTION:

1. Walter SINTSCHA has been previously described. On August 25, 1975, SINTSCHA was wearing dark brown pants and a light brown shirt.

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<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED FROM	<input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS S/A Bradley Det. Caracappa	CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY Inv. Richard J. Curtis AT NYDETF, N.Y. DATE September 2, 1975			
REPORT RE: Surveillance of Meeting Between Det. Caracappa and Walter SINTSCHA on August 28, 1975			

DETAILS:

1. Reference is made to all prior reports relative to this case.
2. On August 28, 1975 at approximately 2:00 PM, Inv. Richard Curtis and S/A Patrick Bradley initiated a surveillance in the vicinity of East 23rd Street and 2nd Avenue, New York, N.Y.
3. At approximately 2:00 PM, Det. Caracappa, acting in an undercover capacity, parked OGV L-92 on 2nd Avenue near the intersection of East 23rd Street and exited said OGV.
4. At approximately 2:10 PM, SINTSCHA was observed walking north on 2nd Avenue and upon reaching 23rd Street engaged Det. Caracappa in conversation.
5. At approximately 2:45 PM, Det. Caracappa entered the OGV and drove south on 2nd Avenue. SINTSCHA walked to 22nd Street and entered a premises located at 321 East 22nd Street. At this time, the surveillance was discontinued.

PHYSICAL DESCRIPTION:

1. Walter SINTSCHA has been previously described. On August 28, 1975, he was wearing dark blue pants and shirt.

REGION	SIGNATURE (Name and Title) Inv. Richard J. Curtis
DISTRICT	
OTHER Hqs.-IC Direct	APPROVED (Name and Title) Sgt. Vincent Romandetta-Grp. Supv.
	DATE 9/5/75

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<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED FROM <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY Det. Stephen Caracappa AT NYDETF, N.Y. DATE September 12, 1975		RELATED FILES	
REPORT Arrest of Walter SINTSCHA, Seizure of Exhibits #6 and #8, and Exhibits L and M			

SYNOPSIS:

On September 10, 1975, Walter SINTSCHA was arrested in possession of Exhibit #6, 30.4 grams and Exhibit #8, 33.3 grams (gross weight) of cocaine at New York, N.Y.

DETAILS:

1. Reference is made to all previous reports of investigation relative to CT-75-0206. Particular reference is made to DEA-6, dated September 10, 1975, by Det. Caracappa, concerning negotiations to purchase Exhibit #6 on September 10, 1975.
2. At about 7:00 PM on September 10, 1975, Det. Caracappa arrived via OGV in the vicinity of East 22nd Street and 2nd Avenue, New York, N.Y. Det. Caracappa parked the OGV on the west side of 2nd Avenue between 22nd and 23rd Streets. Det. Caracappa exited the OGV, walked to 321 East 22nd Street and met with SINTSCHA outside the building.
3. After exchanging greetings, SINTSCHA informed Det. Caracappa that he had not yet received the two ounces of cocaine that he was expecting, but should have it within the next half hour. SINTSCHA further stated he had a quarter ounce (meaning cocaine) in his apartment and Det. Caracappa could have it right away.
4. Det. Caracappa then told SINTSCHA that he would wait till 7:30 PM for the two ounces but would buy the quarter ounce either way. Det. Caracappa then left SINTSCHA in front of his building and placed a phone call to the NYDETF base and informed Group 6 units of the status of the case.

REGION	SIGNATURE (Agent)	
DISTRICT	Det. Stephen Caracappa <i>[Signature]</i>	
OTHER	APPROVED (Name and title)	DATE
Hqs.-IG Direct	Sgt. Vincent Romandetta-Crp. Supv. <i>[Signature]</i>	9/18/75

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5. Det. Caracappa then rejoined SINTSCHA in front of 321 East 22nd Street and both went up to SINTSCHA's apartment. While in the apartment, Det. Caracappa was introduced to @CARMEN (Ruben LOPEZ's girlfriend). After a few minutes, @CARMEN left the upper level of the apartment and walked down to the lower level.

6. At approximately 7:20 PM, SINTSCHA left the upper level of the apartment and also proceeded to walk down the stairs to the lower level where Det. Caracappa heard him speaking to Ruben LOPEZ. After a few minutes, SINTSCHA returned and handed Det. Caracappa a small clear plastic bag containing white powder and stated, "Here's the quarter". Det. Caracappa then inspected the white powder and asked SINTSCHA what the price was. SINTSCHA replied "550".

7. SINTSCHA then informed Det. Caracappa that he was having trouble getting the two ounces but if Det. Caracappa purchased the quarter ounce now, he (SINTSCHA), could use the money to get the two ounces. Det. Caracappa agreed and SINTSCHA then asked Det. Caracappa for the quarter ounce back.

8. Det. Caracappa then told SINTSCHA that as usual his money was in his car and that they could make the exchange there. SINTSCHA agreed and both SINTSCHA and Det. Caracappa left the apartment and proceeded to the OGV.

9. After arriving at the OGV, Det. Caracappa opened the passenger door and SINTSCHA entered and sat down. Det. Caracappa then went to the trunk of the OGV. At this time, SINTSCHA was placed under arrest by S/A Patrick Bradley who advised him of his Constitutional rights as per DEA-13A, witnessed by Det. Caracappa. Exhibit #6 was seized from SINTSCHA by S/A Bradley. Det. Caracappa asked SINTSCHA for the keys to his apartment and SINTSCHA gave them to him. Custody of SINTSCHA was then turned over to Det. Nieves and Inv. Curtis for further search and detention. Det. Nieves at this time seized Exhibit #8 from SINTSCHA, as witnessed by Inv. Curtis. Det. Nieves again advised SINTSCHA of his Constitutional rights as per DEA-13A.

10. SINTSCHA was transported to the NYDETF office for processing. While SINTSCHA was being processed, a black bound telephone book and a diary was removed from his person and placed in evidence marked respectively, Exhibits L and M by Det. Caracappa. SINTSCHA was then transported to the Federal Detention Facilities, St. Andrews Plaza, New York, N.Y. for overnight lodging.

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11. On September 11, 1975, SINTSCHA appeared before U.S. Magistrate Raby at Southern District of New York. Bail was set at \$15,000 and SINTSCHA was remanded after failure to post bail.

12. On September 12, 1975, Det. Nieves contacted S/A Bertel, I&NS, to inform him of the arrest of SINTSCHA, who is believed to be a citizen of Belgium.

CUSTODY OF EVIDENCE:

1. Exhibit #6, consists of a white powder contained in a small clear plastic bag seized by S/A Bradley from defendant SINTSCHA's left pants pocket at the time of his arrest. Exhibit #6 was sealed and weighed (30.4 grams, gross) by S/A Bradley as witnessed by Det. Caracappa and placed in the NYDETF vault on September 10, 1975 for safekeeping. On September 12, 1975, Exhibit #6 was removed by P.O. Crapanzano and delivered to the DEA Northeast Regional Laboratory at 555 West 57th Street, New York, N.Y. for analysis.

2. Exhibit #8, consists of a metal spoon, a small piece of playing card and a plastic bag containing a white powder; all further contained in a bank type pay envelope. Exhibit #8 was weighed (33.3 grams, gross), sealed and placed in the NYDETF evidence vault by Det. Nieves as witnessed by Inv. Curtis. On September 12, 1975, Exhibit #8 was removed by P.O. Crapanzano and delivered to the DEA Northeast Regional Laboratory at 555 West 57th Street, New York, N.Y. for analysis.

3. Exhibit L, one black bound telephone book taken from SINTSCHA by Det. Caracappa and placed in an evidence envelope on September 10, 1975 until it could be delivered to the Non-Drug Custodian at Region II, 555 West 57th Street, New York, N.Y.

4. Exhibit M, one diary taken from SINTSCHA by Det. Caracappa on September 10, 1975 and placed in an evidence envelope until it could be delivered to the Non-Drug Custodian at Region II, 555 West 57th Street, New York, N.Y.

PHYSICAL DESCRIPTION:

1. Walter SINTSCHA has been previously described. On September 10, 1975, he was wearing blue jeans and a blue shirt.

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AFFIDAVIT OF MAILING

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

76-1042
B

THOMAS E. ENGEL being duly sworn, deposes and says that he is employed in the office of the United States Attorney for the Southern District of New York.

That on the 24th day of May, 1976 he served 2 copies of the within appendix by placing the same in a properly postpaid franked envelope addressed:

William J. Gallagher, Esq.
Legal Aid Society
United States Courthouse
Foley Square
New York, New York
Attention: Phyllis Skloot Bamberger

Lewis R. Friedman, Esq.
120 Broadway
New York, New York 10005

Darnell Blackett, Esq.
401 Broadway
New York, New York

And deponent further says that he sealed the said envelope and placed the same in the mail drop for mailing at the United States Courthouse, Foley Square, Borough of Manhattan, City of New York.

Thomas E Engel

Sworn to before me this

26th day of May, 1976,

Jeanette Ann Grayeb

JEANETTE ANN GRAYEB
Notary Public, State of New York
No. 24-1541575
Qualified in Kings County
Commission Expires March 30, 1977